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Minges, Josh

From: Minges, Josh
Sent: Thursday, March 10, 2011 2:42 PM
To: 'JoAnne Wessinger Hill'; 'nsedwar@regstaff.sc.gov'; 'JBowen@MCNAIR.NET'; 'sw Hamm@vzw.blackberry.net'; 'SHamm@RichardsonPlowden.com'; Fox, Peg; Reibold, Shealy
Subject: Procedural and Substantive Issue in Docket No. 2010-399-C

Folks,

We have a procedural issue and a substantive issue that have come to my attention. Procedurally, under 103-841(C), the parties have ten days to review a proposed hearing examiner order before the Commission can vote on it. The hearing is on March 21; the final order is statutorily due on April 4; and the next Commission meeting is on April 6. When the procedural schedule was set, it narrowly allowed for the ten day period but didn't leave the Commission time to review and vote on an order.

If settlement efforts are successful, then the parties can submit a proposed order, rather than the hearing examiner, and the Commission can vote on it at the April 6 meeting. However, this requires the parties agreeing that the Commission may extend the order deadline. Without a settlement agreement, the issues in this Docket raise significant public policy concerns that I believe should be heard by the Commission. In other words, I am suggesting that, if the parties in this case do not reach a settlement by a certain date, I will at that time recommend the Commission hold the hearing in this case, rather than me as hearing examiner.

I propose setting Frontier's prefiled rebuttal date of March 15 as the date to submit a settlement agreement. After that date I will refer the Docket to the Commission for hearing. I'd like to conduct a conference call to discuss the procedural aspect of this case and the timing involved. I suggest holding the call tomorrow at 10:00 AM. Please let me know at your earliest convenience if this time will work for you.

Best Regards,

Josh Minges

Hearing Examiner

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